

***Effective 3/28/2016***

**63G-6a-115 Clarifying information in a solicitation response.**

- (1) A procurement unit may at any time make a written request to a vendor to clarify information contained in a responsive solicitation response.
- (2) A procurement unit may allow a vendor to respond to a request under Subsection (1):
  - (a) in writing; or
  - (b) by submitting a printed document.
- (3)
  - (a) A procurement unit that requests a vendor to clarify information contained in a responsive solicitation response under this section shall establish a deadline by which the vendor is required to submit the clarifying information.
  - (b) A procurement unit may not allow a vendor to submit clarifying information after the deadline established under Subsection (3)(a).
- (4) A vendor's response to a request under this section:
  - (a) may only explain, illustrate, or interpret the contents of the vendor's original solicitation response;
  - (b) may not be used to address criteria or specifications not contained in the vendor's original solicitation response; and
  - (c) may not be used to:
    - (i) correct a deficiency, inaccuracy, or mistake in a solicitation response that is not an immaterial error;
    - (ii) correct an incomplete submission of documents that the solicitation required to be submitted with the solicitation response;
    - (iii) correct a failure to submit a timely solicitation response;
    - (iv) substitute or alter a required form or other document specified in the solicitation;
    - (v) remedy a cause for a vendor being considered to be not responsible or a solicitation response not responsive; or
    - (vi) correct a defect or inadequacy resulting in a determination that a vendor does not meet the mandatory minimum requirements, evaluation criteria, or applicable score thresholds established in the solicitation.

Enacted by Chapter 355, 2016 General Session